EXHIBIT 4

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 1        IN THE UNITED STATES DISTRICT COURT

 2          SOUTHERN DISTRICT OF NEW YORK

 3                --oOo--

 4   ARISTA RECORDS LLC; ATLANTIC    )
     RECORDING CORPORATION; ARISTA   )
 5   MUSIC f/k/a BMG MUSIC; CAPITOL  )
     RECORDS, INC.; ELEKTRA          )
 6   ENTERTAINMENT GROUP INC.;       )
     INTERSCOPE RECORDS; LAFACE      )
 7   RECORDS LLC; MOTOWN RECORD      )
     COMPANY, L.P.; PRIORITY         )
 8   RECORDS LLC; SONY MUSIC         )
     ENTERTAINMENT f/k/a SONY BMG    )
 9   MUSIC ENTERTAINMENT; UMG        )
     RECORDINGS, INC.; VIRGIN        )
10   RECORDS AMERICA, INC.; and      )
     WARNER BROS. RECORDS INC.,      )
11                                   )
          Plaintiffs,     )
12                                   )
          vs.             ) 06 CV 5936 (KMW)
13                                   )
     LIME GROUP LLC; LIME WIRE       )
14   LLC; MARK GORTON; GREG          )
     BILDSON; and M.J.G. LIME WIRE   )
15   FAMILY LIMITED PARTNERSHIP,     )
                                     )
16        Defendants.     )
     _____)

17

18        DEPOSITION OF THOMAS SEHESTED

19   _____

20            JANUARY 13, 2011

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23   REPORTED BY:  SARAH LUCIA BRANN, CSR 3887

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7   EXHIBITS MARKED FOR IDENTIFICATION

24   --oOo--

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1   --oOo--

2   Deposition of THOMAS SEHESTED, taken by

3   the Defendants, at 50 California Street, 22nd Floor,

4   San Francisco, California, commencing at 9:10 a.m.,

5   on January 13, 2011, before SARAH LUCIA BRANN, CSR,

6   pursuant to Notice.

7   --oOo--

8

9   A P P E A R A N C E S

10

11   FOR THE PLAINTIFFS:

12   MUNGER, TOLLES & OLSON

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14   By: JONATHAN H. BLAVIN, Attorney at Law

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15

16   FOR THE DEFENDANTS:

17   WILLKIE FARR & GALLAGHER LLP

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18   New York, New York 10019-6099

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19   By: THOMAS J. MELORO, Attorney at Law

            tmeloro@willkie.com

20   By: FARA S. SUNDERJI, Attorney at Law

            fsunderji@willkie.com

21

22   ALSO PRESENT: TED HOPPE, Videographer

23   --oOo--

24

25

1   witness?

2   THOMAS SEHESTED

3   _____

4   called as a witness, who, having been first duly

5   sworn, was examined and testified as follows:

6   THE VIDEOGRAPHER: Please proceed.

7   EXAMINATION BY MR. MELORO

8   MR. MELORO: Q. Good morning,

9   Mr. Sehested.

10   A. Good morning.

11   Q. Did I pronounce that correctly?

12   A. Pretty close.

13   Q. Could you please state your name and home

14   address?

15   A. My name is Thomas Sehested. I live at 250

16   King Street in San Francisco.

17   Q. And who is your current employer?

18   A. DtecNet.

19   Q. And how long have you been employed at

20   DtecNet?

21   A. Since 2004, when I founded the company.

22   Q. What is your position today at DtecNet?

23   A. Senior vice president of anti-piracy.

24   Q. How long have you held that position?

25   A. Since October of 2009.

1   Q. For the work regarding Lime Wire, how,

2   generally, is DtecNet compensated? Is it a

3   retainer? Is it hourly? Is it project-based?

4   A. Project-based.

5   Q. And how are the records kept? Is each

6   project given an identifiable title or number, or

7   something like that?

8   A. I am sorry. Could you repeat the

9   question?

10   Q. How are records kept about these projects?

11   Are they given an identifiable title or project

12   number or something of that nature?

13   A. I believe it varies.

14   Q. What are the ways that the projects are

15   identified?

16   A. Could you elaborate?

17   Q. It's a broad question. How do you

18   identify the projects you do for the record industry

19   regarding Lime Wire?

20   A. Internally at DtecNet?

21   Q. You can start there if you want. It's a

22   broad question.

23   A. So, we are typically given a scope of a

24   project from a customer in general. We then assign

25   a project task to that in the company, and then we

1   records?

2   A. Yes.

3   Q. Were you -- who decided not to keep

4   records of how many tracks could not be verified

5   when the files were downloaded?

6   A. I am not sure a decision was ever made.

7   It wasn't a request.

8   Q. It wasn't a request from who?

9   A. From the RIAA.

10   Q. Did you do only what was requested by the

11   RIAA in this project?

12   A. Yes.

13   Q. Did the RIAA request that each and every

14   step that was taken as reported in Exhibit 2 be

15   conducted?

16   A. Yes.

17   Q. How did they make that, communicate that

18   request to DtecNet?

19   A. We had a meeting discussing the scope of

20   the project.

21   Q. Who was involved in that meeting?

22   A. I can't remember, but parties from Munger

23   and Tolles and RIAA.

24   Q. When did that meeting occur?

25   A. Shortly prior to the project being

1   initiated.

2   Q. At that meeting the RIAA specified exactly

3   what DtecNet should do in carrying out the DtecNet

4   Lime Wire download project; is that right?

5   A. Correct.

6   Q. And DtecNet did exactly what the RIAA

7   asked; is that right?

8   A. Correct.

9   Q. Nothing more and nothing less?

10   A. Correct.

11   Q. In that same paragraph on the first page

12   of Exhibit 2 there is a reference to DtecNet's

13   US-based servers. Do you see that?

14   A. Yes.

15   Q. Where were those servers located for this

16   project?

17   A. Texas.

18   Q. Were they all in Texas?

19   A. Yes.

20   Q. How did you remember what to do, coming

21   out of this meeting with the RIAA?

22   A. Again, we had a specific contract that was

23   made.

24   Q. And did the contract specify exactly what

25   would be done?

1   MR. MELORO: Q. Did you modify the

2   software in any way to undertake this project?

3   A. No.

4   Q. Who developed the Gnutella agent software?

5   A. Our developers in Copenhagen, Denmark.

6   Q. Did you play any role in developing that

7   software?

8   A. Define "play a role."

9   Q. Did you play any role?

10   A. I was running the company at the time. I

11   discuss any new developments we do with the

12   developers, or at least I did at the time.

13   That's -- is that what you are looking

14   for?

15   Q. How many developers were involved in

16   developing the Gnutella agent software when it was

17   first developed?

18   A. When it was first developed I think it was

19   one person. Two. Sorry. Two persons.

20   Q. Who were those two people?

21   A. Well, one is -- do you need names?

22   Q. Well, let me start here. You weren't one

23   of the two people --

24   A. No.

25   Q. -- who were developing the Gnutella agent

1   software; correct?

2   A.   Correct.

3   Q.   Were the two people who were the

4   developers of the Gnutella agent software employed

5   at DtecNet at the time?

6   A.   Yes.

7   Q.   Aside from them generally updating you on

8   their progress, did you have any role in developing

9   the Gnutella agent software when it was first

10   developed?

11   A.   Yes. I was closely involved in terms of

12   how we should do it and what information it should

13   provide.

14   Q.   Did you provide any flow diagrams of how

15   the software should operate?

16   A.   Not to my recollection.

17   Q.   Did you recommend any changes to the

18   source code?

19   A.   No.

20   Q.   And to be clear, you didn't write any of

21   the source code; correct?

22   A.   Correct.

23   Q.   Did you recommend any changes to the

24   object code?

25   A.   No.

1   Q. Did you write any of the object code?

2   A. No.

3   Q. What programming language was used to

4 develop the Gnutella agent software?

5   A. I believe it was C#.

6   Q. Do you know how many versions of the

7 Gnutella agent software have been created since the

8 original version?

9   A. No.

10   Q. Approximately?

11   A. No. More than 50.

12   Q. Have you ever written any of the source

13 code for the Gnutella agent software?

14   A. No.

15   Q. Have you ever recommended any changes to

16 the source code?

17   A. No.

18   Q. Have you ever written any of the object

19 code or recommended any changes to the object code

20 of the Gnutella agent software?

21   A. No.

22   Q. Aside from managing the developers, have

23 you ever had any other role in any of the changes

24 made to the Gnutella agent software?

25   A. I don't remember.

1   on the Gnutella network for people sharing files,

2   matching the criteria in the title list.

3   Q. How is the imported list transformed into

4   key words for searching?

5   A. I don't have the exact technical details

6   on that.

7   Q. Was the searching done by key word

8   searching?

9   A. Yes.

10   Q. Is there a list of the key words that were

11 used for the searches?

12   A. I believe the key words were the exact

13 titles.

14   Q. Anything else?

15   A. Not to my knowledge.

16   Q. So somehow this Gnutella agent program is

17 supposed to take the imported list, turn it into key

18 words that are the exact titles, and then those

19 exact title key words are sent out as search

20 requests?

21   A. Well, the list we receive is a list of key

22 words; right? So it's a track name. It's a track.

23 That's what we would search for on the Gnutella

24 network. So the track and the key words is one and

25 the same.

1   A. Yes.

2   Q. And is this outside vendor maintaining

3   servers for many other companies, in addition to

4   DtecNet?

5   A. Yes.

6   Q. How many servers does DtecNet have in this

7   Texas facility?

8   A. I don't have the exact number.

9   Q. Approximately?

10   A. Hundreds.

11   Q. What are the technical capabilities of

12   each of these hundreds of servers that DtecNet

13   maintains in the Texas facility?

14   A. I don't have the details on that.

15   Q. Do you have any details on the nature of

16   the servers that DtecNet maintains in its Texas

17   server facility?

18   A. No.

19   Q. Is there any information you can provide

20   about the servers that were used to do the Lime Wire

21   download project?

22   A. No.

23   Q. What is the name of the company that

24   maintains the DtecNet servers that were used in the

25   Lime Wire download project?

1   Q. How many connections did each of the

2 servers used in the Lime Wire download project have

3 to the Gnutella network?

4   A. I don't know.

5   Q. Did each of the servers used in the Lime

6 Wire download project have more connections to the

7 Gnutella network than a standard Lime Wire client?

8   A. I don't know.

9   Q. How many connections to the Gnutella

10 network does a standard Lime Wire client have?

11   A. I don't know.

12   Q. Do you know what a leaf is with regard to

13 the Gnutella network?

14   A. No.

15   Q. Do you know what an ultrapeer is?

16   A. Yes.

17   Q. What is an ultrapeer?

18   A. It's a -- basically it's a user acting as

19 a server on the network.

20   Q. How does the Gnutella network designate

21 whether a particular user is an ultrapeer?

22   A. I don't know.

23   Q. Are there any special steps that users

24 take to become ultrapeers on the Gnutella network?

25   A. I believe so, but I don't know.

1   Q.   What factors are involved in whether or

2   not a particular user is an ultrapeer on the

3   Gnutella network?

4   A.   I don't know.

5   Q.   Were any of the servers that DtecNet used

6   in the Lime Wire download project ultrapeers?

7   A.   I don't believe so.

8   Q.   What's the basis for that?

9   A.   Is we typically don't act as ultrapeers.

10   Q.   Why not?

11   A.   I don't have the details on that.

12   Q.   Were you involved in the decision to

13   employ Lime Wire -- excuse me.

14   Were you involved in the decision to

15   employ DtecNet servers in a manner other than

16   ultrapeers?

17   A.   I don't understand that question.

18   Q.   You said that typically DtecNet servers

19   don't act as ultrapeers.

20   A.   Yes.

21   Q.   Was that a decision made by the company?

22   A.   Yes.

23   Q.   Okay. Were you involved in that decision?

24   A.   No.

25   Q.   Who made that decision?

1   song we think it is, or it is.

2   Q.   So if you put a file through the Audible

3   Magic request process and it's considered to be a

4   match, that means that the file is in the Audible

5   Magic database and the software considers it to be a

6   match; is that right?

7   A.   Correct.

8   Q.   If a file is sent to Audible Magic and

9   it's not considered to be a match, does the user of

10   the software know whether that's because Audible

11   Magic doesn't have the information or because the

12   file is not a match?

13   A.   I don't have that detail.

14   Q.   Have you ever used Audible Magic yourself?

15   A.   No.

16   Q.   Did you have any understanding at the

17   beginning of this project as to whether the Audible

18   Magic database had file information that was

19   necessary for all of the works on the list?

20   A.   Could you rephrase? So you mean Audible

21   Magic?

22   Q.   Yes. Did the Audible Magic database, to

23   your understanding, have the necessary information

24   concerning all of the songs that were on the list

25   from the RIAA?

1   A.   Correct.

2   Q.   Do you have any information as to how the

3   user obtained the file that you downloaded as part

4   of the work on the project?

5   A.   No.

6   Q.   Do you have any information as to whether

7   the user that you obtained the file from had ever

8   shared that file with anyone else?

9   A.   Anyone else than us?

10   Q.   Anyone other than the download that

11   DtecNet did.

12   A.   And by "shared" what do you mean?

13   Q.   Is there any evidence that you have that

14   the file that was in the user's computer ever

15   resided anywhere other than that user's computer

16   before DtecNet went and downloaded it?

17   A.   No.

18   Q.   Do you have any evidence that the file

19   that was in the user's computer has ever been

20   anywhere other than that user's computer, except for

21   the download that DtecNet did?

22   A.   Not other than the fact -- and while we

23   were doing the downloads and I was personally

24   looking at the process of the downloads, we could

25   see that multiple versions of -- some of the files